

REMARKS

Claims 1 – 30 were pending in the present application. Claims 1-30 have been canceled. Claims 31-56 have been added. No new matter has been added. Claims 31 – 56 remain pending in the present application.

Claims 17, 19, 25, 29 and 30 were objected to based on informalities. Claims 20, 27 and 28 were rejected under 35 U.S.C §112, second paragraph. Claims 1-30 were rejected under 35 U.S.C. §102 (e) as being anticipated by U.S. Patent No. 6,164,841 to Mattson, Jr. et. al. Applicant respectfully traverses these rejections. However, as Applicant has canceled claims 1-30, the objections and rejections are moot.

Support for new Claims 31 and 44 is provided at least in lines 10-13 of page 19 and lines 6-9 of page 15 of the specification, as well as in Fig. 4, Fig. 8, Fig. 9, Fig. 10 and the accompanying descriptions. Support for new Claims 32-33 and 45-46 is provided at least in lines 10-13 of page 19. Support for new Claims 34 and 47 is provided at least in lines 2-3 of page 20 and lines 13-18 of page 14. Support for new Claims 35-37 and 48-50 is provided at least in lines 6-9 of page 20. Support for new Claims 38 and 51 is provided at least in lines 17-20 of page 15, lines 14-18 of page 13, and lines 12-15 of page 16. Support for new Claims 39 and 52 is provided at least in Fig. 5, Fig. 8, and Fig. 10 and the accompanying description. Support for new Claims 40 and 53 is provided at least in line 24 of page 10 through line 3 of page 11, and lines 17-19 of page 18. Support for new Claims 41 and 54 is provided at least in line 2 of page 11. Support for new Claims 42 and 55 is provided at least in Fig. 5, Fig. 6, Fig. 10 and the accompanying description. Support for new Claims 43 and 56 is provided at least in Fig. 5 and Fig. 10 and in the accompanying description, such as on lines 14-15 of page 12.

Mattson discloses a dynamic software development tool for software optimization (Summary, Column 2, lines 45-48). Using the tool, for every series of machine instructions that the original user code would have executed, a semantically equivalent series of instructions, altered to optimize the user process code instructions, may be executed (Column 2, lines 48-54). Emulation or translation may be used to alter the user process code instructions, and the user code instructions may be processed by the tool to determine whether emulation or translation is most efficient (Column 2, lines 54-58).

Applicant notes that the term “trace” is used by Mattson to refer to designated groups of instructions to be translated for optimized performance. See Column 4, lines 41-45: “a trace designator designates groups of instructions, referred to as traces, for dynamic translation based on an evaluation of control flow. The trace designator detects and optimizes at least one hot trace, if present, in the executable file”.

In contrast, amended independent Claim 31 recites a trace control channel including an identification of one or more selected trace points, and a runtime tracer configured to concurrently execute a first and a second instance of a software program, wherein each of the first and second instances of the software program is configured to interact with a trace control channel to save trace information corresponding to one or more selected trace points in the trace channel. Applicant can find no disclosure or suggestion in Mattson of the features recited in Claim 31.

Amended independent Claim 44 likewise recites concurrently executing a first and a second instance of a software program including two or more trace points, the first instance interacting with a trace control channel including an identification of one or more selected trace points to save trace information corresponding to the selected trace points in a trace channel, and the second instance interacting with the trace control channel to save trace information corresponding to the selected trace points in the trace channel. Applicant can find no disclosure or suggestion in Mattson of the features recited in Claim 44.

Accordingly, new independent Claims 31 and 44 are believed to patentably distinguish over Mattson. Claims 32-43, which are dependent on Claim 31, and Claims 45-56, which are dependent on Claim 44, are thus also believed to patentably distinguish over Mattson for at least the above reasons.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5760-00901/BNK.

Respectfully submitted,



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IN THE DRAWINGS:

Please replace the existing drawings as noted below and in the attached Replacement Sheets. Applicant has made minor corrections to labels and arrows in the listed drawings to make the formal drawings conform to the original informal drawings and to match the language in the specification. No new matter has been added.

1. In FIG. 1, the label “Trace Points 110” has been replaced by “Trace Inserter 110”. Support for this change is found at least in lines 20-21 of page 7 of the specification.
2. In FIG. 6, the label in block 604 has been changed from “Read file (line to line)” to “Read file (line by line)”. The label in decision block 608 has been changed from “Look-up in database to see if trace id for function” to “Entry for function found in database?”. The label in block 610 has been changed from “Create database” to “Create database entry”. Support for these changes is found in lines 8-21 of page 13 of the specification.
3. In FIG. 7, the labels 706 and 708 have been moved to match the description of FIG. 7 provided in the specification, e.g., in lines 3-20 of page 15.
4. In FIG. 8, the direction of the arrow between the block labeled “Reporter 502” and the block labeled “Snap Output 504” has been reversed, and the direction of the arrow between the block labeled “Reporter 502” and the block labeled “Database 500” has been reversed, to make FIG. 8 consistent with FIG. 5, and with the description of FIG. 8 in the specification (lines 10-18 of page 16).
5. In FIG. 9, the label “#1 904” has been replaced by “Identifier 904”. Support for this change is provided in line 23 on page 16, through line 3 on page 17 of the specification.